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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:  
SCRIP1100

In re Application of:  
Matthias G. von Herrath

Application No:  
09/336,672

Filed:  
June 17, 1999

For: COMPOSITIONS AND METHODS FOR THE  
TREATMENT OR PREVENTION OF  
AUTOIMMUNE DIABETES (As Amended)

Group Art Unit:  
1636

Examiner:  
William O. Sandals

Applicants hereby appeal to the Board of Appeals from the decision mailed  
December 31, 2002 of the Examiner rejecting claims 40, 41, 45, 46, 54, 55, 58-63, and 66-83.

1.	X	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$320.00
	X	small entity	\$160.00

2.	X	A petition and fee for an extension of time for reply to the rejection is attached.						
X	Extension Fee (37 C.F.R. 1.17(a))							
	other than small entity							
		\$110.00		\$410.00		\$930.00		\$1,450.00
X	small entity							
		\$55.00		\$205.00	X	\$465.00 (\$465.00 minus \$205.00 PAID with our response filed 5/30/03, which equals \$260.00).		\$725.00

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3.	X	Enclosed is Check No. <u>539471</u> in the total amount of \$420.00; which consists of \$160.00 for the Notice of Appeal fee and \$260.00 for the Three (3) Month Extension of Time fee (\$465.00 minus \$205.00 PAID with our response filed 5/30/03, which equals \$260.00). The Commissioner is hereby authorized to charge for any additional fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.
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June 25, 2003  
Date

June M. Learn  
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**USPTO CUSTOMER NUMBER 28213**  
GRAY CARY WARE & FREIDENRICH LLP  
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San Diego, California 92121-2133

**CERTIFICATION UNDER 37 C.F.R. § 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date June 25, 2003, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Cecilia Tobin  
(Name of person mailing paper)

Cecilia Tobin  
(Signature)